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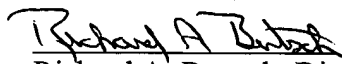
In re Application of	:	DECISION ON PETITION
Edward L. Blach et al	:	TO WITHDRAW
Serial No. : 10/087,668	:	HOLDING OF
Filed : March 1, 2002	:	ABANDONMENT
For : Nasal Support Device for Animals and Method	:	

This is a decision on petitioner's request filed December 20, 2004 to review the holding of abandonment mailed December 13, 2004, for failure to respond to the Office action mailed May 5, 2004. The basis for the request is that applicant did not receive the communication mailed May 5, 2004. There is no fee required for this petition.

In order to overcome the presumption of delivery of an Office action, a practitioner must submit the following: (1) a statement from the practitioner stating that the Office action was not received by practitioner; (2) a statement attesting to the fact that a search of the file jacket and docket record indicates that the Office action was not received; and (3) a copy of the docket record where the non-received Office action would have been entered had it been received and docketed. See 1156 OG 53.

The request filed December 20, 2004 includes all the above elements. The request is therefore GRANTED and the holding of abandonment withdrawn. Upon the mailing of this decision, the application will be forwarded to the Legal Instruments Examiner for the re-mailing of the Office action of May 5, 2004.

Summary: Holding of Abandonment Withdrawn.


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